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Attorneys for Defendant
JUSTIN KADELL KENNEDY

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) Case No. 2:23-CR-300-DJC
Plaintiff,)
vs.) STIPULATION AND ORDER TO CONTINUE
) STATUS CONFERENCE
JUSTIN KADELL KENNEDY,) Date: February 8, 2024
Defendant.) Time: 9:00 A.M.
) Judge: Hon. Daniel J. Calabretta
)

IT IS HEREBY STIPULATED and agreed by and between United States Attorney Phillip A. Talbert, through Assistant United States Attorney Cameron Desmond, counsel for Plaintiff; and Federal Defender Heather Williams, through Assistant Federal Defender Christina Sinha, counsel for Mr. Kennedy, that the status conference currently set for February 08, 2024 **may be continued to April 25, 2024 at 9:00 a.m.**

The parties specifically stipulate as follows:

1. The indictment in this case issued on November 30, 2023. ECF No. 12. Mr. Kennedy was arraigned on the indictment on December 04, 2023, and an initial status conference was set for February 08, 2024 before this Court. ECF No. 15. Time was excluded from December 04, 2023 to February 08, 2024 (inclusive) under Local Code T-4.
2. On December 20, 2023, Pretrial Services informed the parties that Mr. Kennedy

was in a car accident and was severely injured.

3. Defense counsel represents that she is in regular contact with Mr. Kennedy's family. His family has relayed that Mr. Kennedy has not been able to communicate with anyone since this accident. As such, defense counsel has not had any direct communication with Mr. Kennedy subsequent to the accident. As of last week, his inability to communicate has not changed.

4. Given the above, defense counsel is seeking the instant continuance in the hopes that Mr. Kennedy will recover and once again be able to assist in his defense. As Mr. Kennedy is hospitalized and unable to communicate, time is automatically excludable under 18 U.S.C. § 3161(h)(4) (Local Code O). *See* 18 U.S.C. § 3161(h)(4), "[t]he following periods of delay *shall* be excluded...[a]ny period of delay resulting from the fact that the defendant is...physically unable to stand trial" (emphasis added).

5. The government does not object to the continuance.

The parties therefore respectfully request this Court to adopt the parties' stipulation as its Order.

Respectfully submitted,

HEATHER E. WILLIAMS
Federal Defender

Date: February 4, 2024

/s/ Christina Sinha
CHRISTINA SINHA
Assistant Federal Defender
Attorneys for Defendant
JUSTIN KADELL KENNEDY

Date: February 4, 2024

PHILLIP A. TALBERT
United States Attorney

/s/ Cameron Desmond
CAMERON DESMOND
Assistant United States Attorney
Attorneys for Plaintiff

ORDER

The Court, having received and considered the parties' stipulation, and good cause appearing therefrom, adopts the parties' stipulation in its entirety as its order. The status conference currently set for February 08, 2024 is continued to April 25, 2024 at 9:00 a.m.

The time period from February 08, 2024 to April 25, 2024 (inclusive) is excluded under Local Code O (18 U.S.C. § 3161(h)(4).

IT IS SO ORDERED.

Dated: February 5, 2024

/s/ Daniel J. Calabretta

THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE